IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2304 OF 2005

Shri Chandrashekhar Dinkar Salokhe ..Petitioner

Vs.

Special Recovery Officer and ors. ..Respondents

Mr. A.M. Kulkarni for petitioner.

Mr. P.D. Dalvi for respondent nos.1 and 2.

Mr. M.N. Dhamal for respondent no.3.

**CORAM: B.H. MARLAPALLE, J.**

**Date : August 7, 2006.**

**P.C.:**

1. Heard Mr. Kulkanri the learned counsel for the petitioner. By the impugned order dated 28/3/2003, the Divisional Joint Registrar at Kolhapur has rejected the revision application filed by the petitioner for his failure to comply with the requirements of Section 154 (2A) of the Maharashtra Co-operative Societies Act, 1960. Mr. Kulkarni by referring to a Full Bench decision of this court in the case of Bapusaheb Balasaheb Patil and ors. vs.

The State of Maharashtra and ors. (AIR 1975 Bombay 143) submitted that the Divisional Joint Registrar was required to consider the revision application on its own merits. Mr. Kulkarni cannot rely upon the decision of this court in Bapusaheb Patil's case (Supra) to amend the provisions of subsection (2A) of Section 154 of the Maharashtra Co-operative Societies Act, 1960 nor such an intention could be attributed to the law laid down by the Full Bench of this court. Mr. Kulkarni then submitted that he has received instructions from the petitioner that he is willing to comply with the provisions of subsection (2A) of Section 154 of the Maharashtra Co-operative Societies Act and that his revision application should be restored and decided on merits.

2. If the petitioner complies with the requirements of subsection (2A) of Section 154 of the Maharashtra Co-operative Societies Act, 1960 within a period of four weeks from today and submits the proof of the compliance within that period to the Divisional Joint Registrar, Co-Op. Societies at Kolhapur, it is directed that the said revision application shall be

restored to file so as to hear and decide the same on its own merits.

3. Petition disposed off accordingly.

**(B.H. Marlapalle,J.)**